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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,747	12/06/2001	Takeshi Ryuutou	1503-6601	6028

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EXAMINER

LIM, KRISNA

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,747

Applicant(s)

RYUUTOU ET AL.

Examiner

Krisna Lim

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-9,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 5, 7-9 and 11-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

20

Art Unit: 2153

1. Claims 1, 3-4, 5, 7-9 and 11-12 are still pending for examination, and claims 2, 6 and 10 were canceled.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 3-5, 7-9 and 11-12 are rejected under 35 U.S.C. §102(a) as being anticipated by Colyer [U.S. Patent No. 6,023,722].

4. Colyer anticipated (e.g., see Figs. 1-3) the invention substantially as claimed.

Taking claims 1, 3, 5, 7, 9 and 11 as exemplary claims, the reference anticipated a communication distribution controlling method (e.g., see col. 6, lines 26-67), comprising:

a) receiving a communication connection request from a client (e.g., see step 301 of Fig. 3, col. 6, lines 26-28);

b) determining whether or not a communication connection corresponding to the series of communications is established according to an identifier (e.g., a unique correlation identifier, col. 6, lines 45-51) written in the communication request; .

c) connecting the requested communication to a particular relay device as a relay destination (Messaging and queuing unit 31 then sends (step 304) a queue client request to a server unit, col. 6, lines 36-38) of an established communication connection if the communication connection is established; and

Art Unit: 2153

d) . notifying the client side of an identifier corresponding to the established connection as an identifier to be written in connection requests of communication subsequent to the initial communication (e.g., see col. 6, lines 45-53).

5. As to claims 4, 8 and 12, Colyer anticipates the step of monitoring an elapse time and invalidating the communication connection then the elapsed time exceeds a predetermined value (e.g., check the threshold number of the messaging and queuing unit 31 to decide what to do with the client request and how to employ those servers, see col. 7, lines 19-34).

6. The rejections are respectfully maintained and repeated herewith as set forth in the last office action with some modification due to the amendment filed 4/28/05.

7. Applicant's arguments filed xxx have been fully considered but they are not deemed to be persuasive.

8. In the remarks, applicants argued in substance that:

a) Colyer fails to disclose (or suggest) the determination from an identifier written in a communication connection request whether or not a communication connection is established.

b) Nothing teaches anything about determining whether or not a communication connection is established according the URL's.

9. As to paragraph 8 a) above, Colver clearly discloses the feature of determining whether or not a communication connection corresponding to the series of

communications is established according to an identifier (e.g., a unique correlation identifier, col. 6, lines 45-51) written in the communication request.

10. As to paragraph 8 b) above, the argument is moot because the URL is not used in this Office Action due to the amendment.

11. Applicant is reminded that "The storage medium" of claim 12 lacks clear antecedent basis and it should be "The computer-readable storage medium".

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2153

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

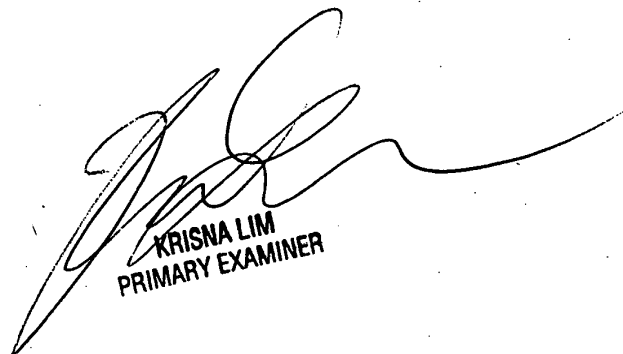
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

July 18, 2005



KRISNA LIM
PRIMARY EXAMINER